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05/05/04

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Schueller, et al.

Serial No.: 10/035,766

Filed: December 26, 2001

Title: "Gated Electron Emitter Having  
Supported Gate"

§ Group No.: 2879

§ Examiner: Guharay, Karabi

§ Atty. Docket No.: 065095.0125

Mail Stop Response  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING VIA EXPRESS MAIL  
37 C.F.R. §1.10

PURSUANT TO 37 C.F.R. 1.10, I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL POST OFFICE TO ADDRESSEE ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP RESPONSE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

NAME: Claude R. Cooke, Jr.  
DATE OF MAILING: MAY 4, 2004  
EXPRESS MAIL LABEL: EV4498645551US

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Examiner's Office Action of November 7, 2003, Applicant submits the following Remarks.

As the one-month shortened statutory period for reply was due December 7, 2003,

Applicants respectfully request a five-month extension of time, with the appropriate fee, to extend the period of reply to May 7, 2004. Therefore, this Response is considered timely filed.

05/06/2004 HTECKLU1 00000046 10035766

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1005.00 OP

REMARKS

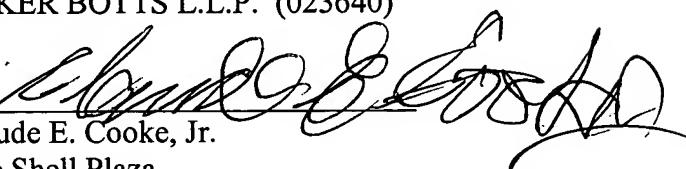
In response to the Office Action mailed November 7, 2003, Applicants provisionally elect for examination purposes, without traverse, Group I and thus, claims 1-14, drawn to an apparatus for emitting electrons, classified in class 313, subclass 495. Applicants specifically reserve the right to prosecute any unexamined claims at a later date or include non-elected claims if a generic claim is allowed.

A check in the sum of \$1,005.00 is enclosed in payment of the 5 month extension fee due. If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 02-0383 (065095.0125).

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned agent for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

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Date: May 4, 2004